

### **REMARKS/ARGUMENTS**

The Examiner rejected the pending claims as obvious in view of Ma et al. (U.S. Patent No. 6,117,921, corres. to EP 0 826 751), Kroner et al. (U.S. Patent No. 6,756,471, corres. to WO 01/40338), Satoh et al. (U.S. Publication No. 2001/0012864, corres. to EP 2001/0012864) and Naramoto et al. (U.S. Patent No. 6,296,698). All of these reference documents and their European or national equivalents, respectively, are already known from the international examination proceedings. Applicant notes that a set of “use claims” pending in the European application was considered as novel and inventive.

With this amendment all of the previously pending claims have been amended to recite a suspension. Method claims directed to a method of making a suspension also have been added.

#### **The References**

##### **1. Ma et al.**

Ma et al. (especially Examples 1-2) describe radical copolymerization of a poly(alkylene oxide) compound (namely ethoxytriethyleneglycol methacrylate) with acrylic acid according to the “catalytic chain transfer” (CCT) method. Ma obtains a statistical comb polymer. However, the comb polymer according to Ma et al. then is further reacted to give a graft polymer which is used as a dispersant. Use of the comb polymer itself as a dispersant is not described and not rendered obvious by Ma et al. The subject matter of all pending claims is thus novel and inventive over Ma et al.

##### **2. Kroner, Satoh and Naramoto**

Kroner et al., Satoh et al. and Naramoto et al. describe conventional comb polymers prepared via free radical polymerization which are used as dispersants. These polymers are not prepared by a CCT reaction and are more difficult to synthesize. These products differ from the suspension and method herein because

these prior art dispersants have high heterogeneity such as the number of side chains and polydispersity which negatively impact performance.

#### **The Claims Are Non-Obvious Over The References**

In contrast, the statistic comb polymers prepared by means of CCT reactions described in this application surprisingly show better water reduction capacity at identical dosage than corresponding conventional fluidizers based on comb polymers, which are prepared by radical polymerization. For example, following addition of the novel fluidizers, concrete shows markedly reduced stickiness and plastic viscosity, which, in particular, strongly enhanced processability of very cement-rich concretes. It is also remarkable that concretes prepared by using the inventive fluidizers have markedly greater spread, compared to those with conventional polycarboxylate ether fluidizers, at identical slump. Thus, at the same water/cement ratio, the concretes display a greater shear-thinning behaviour than conventional concretes, however, without showing a tendency to segregate (page 7, 2<sup>nd</sup> paragraph of the present application).

#### **The Amendments Are Supported By The Specification**

The improved suspensions, water reduction capacity, improved water flowability as measured by slump flow compared to a non-CCT dispersant are described in the specification at page 7, lines 11-32, page 16, lines 16-30 and page 20, lines 1-14 .

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: August 20, 2009

120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

By: /Timothy E. Levstik/  
Timothy E. Levstik  
Registration No. 30,192